

<b>Fermanagh &amp; Omagh District Council – Publication of Local Development Plan: Draft Plan Strategy.</b>	<b>28<sup>th</sup> November 2018</b>
<b>Planning Committee</b>	

<b>Linkage to Council Strategy (2015-19)</b>	
<b>Strategic Theme</b>	<b>Outcome</b>
Leader & Champion	<ul style="list-style-type: none"> <li>We will establish key relationships with Government agencies and potential strategic partners in NI and external to it which helps us to deliver our vision for this Council area.</li> </ul>
Protect the environment in which we live	<ul style="list-style-type: none"> <li>All environments in the area will benefit from pro-active decision making which protects the natural features, characteristics and integrity of the Borough;</li> </ul>
<b>Lead Officer</b>	Local Development Plan Manager
<b>Cost:</b>	N/A

## **For Decision**

### **1.0 Background**

1.1 Fermanagh and Omagh District Council (FODC) published its Local Development Plan: Draft Plan Strategy for public consultation. Whilst FODC is not an 'adjoining council' for the purposes of formal consultation, the Sperrin AONB traverses our council boundaries (as well as those of Derry City and Strabane and Mid Ulster District Council areas). As such, it is important that the Council is aware of, and makes comment (if deemed necessary) on the draft policies that relate to this particular AONB.

### **2.0 Details**

2.1 Following the transfer of planning powers on 1<sup>st</sup> April 2015, all 11 Northern Ireland Councils are now responsible for the preparation of a Local Development Plan (LDP) for their area. The Planning Act (Northern Ireland) 2011 introduced a new type of Plan, different to those historically prepared by the former Department of the Environment (DOE).

2.2 New Plans must pass the tests of 'soundness', as detailed in guidance issued by the Department for Infrastructure (DFI) in its document 'Development Plan Practice Note (DPPN) 06: Soundness' (Version 2 May 2017) (see Appendix 1).

2.3 Fermanagh and Omagh District Council published their Local Development Plan: Draft Plan Strategy on Friday 26<sup>th</sup> October 2018 for an 8 week public consultation period, closing on Friday 21<sup>st</sup> December 2018 at 12.00 noon.

2.4 Due to the cross boundary nature of the Sperrin AONB designation the two key tests of 'soundness' relevant in the assessment of FODC Draft Plan Strategy are seen as follows:

- Consistency tests

C4: Has the plan had regard to other relevant plans, policies and strategies relating to the council's district or to any adjoining council's district?

- Coherence and effectiveness tests

CE1: The DPD sets out a coherent strategy from which its policies and allocations logically flow and where cross boundary issues are relevant it is not in conflict with the DPDs of neighbouring councils.

2.5 Members will be aware of the Council's representation (to date) on the Sperrin Cross Boundary Forum by Councillors Nicholl, McCandless and Mc Caul. Moving forward Alderman Sharon McKillop and Alderman Alan Robinson will replace Councillors McCandless and McCaul.

2.6 The relevant councils will continue to work together throughout their LDP preparation to ensure that the tests of soundness, listed above, are met.

### **3.0 FODC Draft Plan Strategy**

3.1 FODC Draft Plan Strategy references to the Sperrin AONB and 'Sensitive Locations or Features' (of which the AONB is one) are detailed in Tables 1 & 2 (see Appendix 2 & 3). The related Draft Policies are shown at Appendix 4.

### **4.0 Financial Implications**

4.1 None

### **5.0 Other Implications**

5.1 None

### **6.0 Recommendation**

6.1 **IT IS RECOMMENDED** that Members agree to the Head of Planning submitting a response to FODC on behalf of the Council.

### **Appendices:**

**Appendix 1:** Soundness Tests (extract from DfI's DPPN 06).

**Appendix 2:** Table 1: Draft Plan Strategy references to Sperrin AONB.

**Appendix 3:** Table 2: Sustainability Appraisal (Inc SEA) references to Sperrin AONB

**Appendix 4:** FODC Draft Planning Policies

## **Appendix 1**

Tests of soundness for development plan documents (from DfI Development Plan Practice Note (DPPN) 06: Soundness).

Soundness involves testing the principles, content and preparation process of the DPD against a list of key criteria. The following tests aim to provide a framework to assess the soundness of the DPD, whilst taking account of all relevant procedural, legislative and policy considerations.

### **Procedural tests**

**P1** Has the DPD been prepared in accordance with the council's timetable and the Statement of Community Involvement?

**P2** Has the council prepared its Preferred Options Paper and taken into account any representations made?

**P3** Has the DPD been subject to sustainability appraisal including Strategic Environmental Assessment?

**P4** Did the council comply with the regulations on the form and content of its DPD and procedure for preparing the DPD?

### **Consistency tests**

**C1** Did the council take account of the Regional Development Strategy?

**C2** Did the council take account of its Community Plan?

**C3** Did the council take account of policy and guidance issued by the Department?

**C4** Has the plan had regard to other relevant plans, policies and strategies relating to the council's district or to any adjoining council's district?

### **Coherence and effectiveness tests**

**CE1** The DPD sets out a coherent strategy from which its policies and allocations logically flow and where cross boundary issues are relevant it is not in conflict with the DPDs of neighbouring councils;

**CE2** The strategy, policies and allocations are realistic and appropriate having considered the relevant alternatives and are founded on a robust evidence base;

**CE3** There are clear mechanisms for implementation and monitoring; and

**CE4** It is reasonably flexible to enable it to deal with changing circumstances.

FODC Draft Policy L01 – Development within the Sperrin Area of Outstanding

## Appendix 2

Table 1: Draft Plan Strategy references to Sperrin AONB and 'Sensitive Locations or Features' (of which the AONB is one):

<b>TEXT</b>			
Page	Paragraph	Detail	Comment
18	3.6 & 3.7	Working with other Local Authorities	FODC's Draft Plan Strategy acknowledges that their district contains part of the Sperrin AONB which is shared with other councils, including Causeway Coast and Glens Borough Council.
18	3.7	Working with other Local Authorities	"The emerging Plan Strategy must ensure through its planning policies and joint working with the respective councils, a consistency of approach to development within areas where there are shared boundaries. Cross-boundary working through forums such as the Sperrin Forum and Cross border Forum set up by Mid Ulster district Council has taken place during the preparation of the draft Plan Strategy. Members of these forums are committed to providing appropriate policies and/or designations to address issues of common ground including wind energy development and minerals development in sensitive landscapes such as the Sperrin AONB; improving transport infrastructure and improving digital communications infrastructure e.g. Broadband and mobile provision. In addition to these forums, the Council has ongoing liaison with neighbouring authorities and ongoing review of proposals within adjoining local plans and other development plan documents."
21	4.3	Spatial Characteristics	The Sperrin AONB is one of a number of landscape types comprising the FODC area.
26	5.9	Vision & Strategic Objectives	FODC's Vision for the district, in relation to the AONB is that..."areas such as the Sperrin AONB...will

			have been maintained and managed.”
30	-	Draft Strategic Policy SP01: Furthering Sustainable Development	See Draft Policy SP01 at Appendix 4.
32	6.7	Settlement Overview: Main Towns	The Sperrin AONB location, within a 20 minute drive from Omagh, offers the opportunity for the town to expand and enhance its contribution to tourism.
113	4.45	Tourism – Context & Justification	The Sperrin AONB is “one of the most unique landscapes in Northern Ireland”.
114	4.49	The Tourism Strategy	FODC’s Tourism Strategy seeks to establish the Council area as a ‘must visit’ destination, without adversely impacting upon the landscape, historic environment and built environment. For example, appropriate protection will be afforded to Cuilcagh Mountain and the unspoilt upland areas of the Sperrin AONB.
114	4.50	The Tourism Strategy	It is anticipated that promotion of key tourism assets such as the Sperrins will result in increased visitor numbers and in turn, create increased demand for sustainable tourism development which includes tourist accommodation and tourist amenities.
146	5.45	Landscape – Context & Justification	“The Council area has a variety of unique and special landscapes, and there are some areas which are designated primarily for this reason. The Sperrin Area of Outstanding Natural beauty (AONB) is a largely mountainous area which occupies a significant portion of the north east of the Council area. This designation seeks to protect and enhance natural beauty whilst also recognising the needs of the local community and economy.
147	5.46	Landscape – Context	The Sperrin mountains form a back

		& Justification	drop to the north east ..., stretching from the Strule valley in the west to the perimeter of the Lough Neagh low lands in the east. The area presents vast expanses of moorland with the mountain valleys of the Glenelly and Owenkillew rivers lying below. They are widely recognised as the largest, most unspoilt and least explored mountain range in Northern Ireland, including a particularly diverse range of landscape types.
147	5.47	Landscape – Context & Justification	Scenically the area has much to offer, such as Mullaghcarn and Gortin which are a much-visited part of the AONB and lie within our Council area. The core mountain areas are relatively isolated, bringing a strong sense of wildness and tranquillity. The AONB is also an area of outstanding geological interest, including resources of gold and other valuable minerals, and contains stretches of intact blanket bog such as black bog, a European protected habitat. There are examples of many distinctive archaeological features including Stone Age megalithic tombs and bronze Age landscapes. For these reasons, it is important to protect the integrity of the portion of the Sperrin AONB that lies within our Council area whilst at the same time recognising the needs of rural communities living there.
148	5.50 - 5.53	Draft Policy L01: Development within the Sperrin Area of Outstanding Natural Beauty	See Draft Policy L01 at Appendix 4.
149	5.54	Draft Policy L02: Special Countryside Areas	See Draft Policy L02 at Appendix 4.
160	-	Draft Policy RE01: Renewable and Low Carbon Energy	See Draft Policy RE01 at Appendix 4.

		Generation	
168	6.56	Public Utilities – Context & Justification	To underpin economic growth, it is also necessary to have a safe, secure, reliable energy infrastructure network. New energy infrastructure must be carefully planned and assessed to avoid adverse environmental effects, particularly on or near protected sites and areas of landscape sensitivity including the Sperrin AONB. Overhead power cables will be facilitated but should avoid running through or adjacent to Sensitive Locations or Features.
169		Draft Policy PU01: Telecommunications	See Draft Policy PU01 at Appendix 4.
179 & 204	-	Monitor Indicator 25: Landscapes	New development within the AONB, SCA and AoHSV.
213	-	Glossary	AONB Definition: An area that has been designated for conservation due to its significant landscape value of national importance
217	-	Glossary	Sensitive Locations & Features Definition: These comprise of: Landscapes including: - Sperrin AONB; Special Countryside Areas; Areas of high Scenic value;
250	1.7	Appendix 7: Wind Energy Strategy	“..there is great diversity in the landscape, from the wild upland landscapes of the Sperrins to the north...”
258	2.2.6	Appendix 7: Wind Energy Strategy – Guidance for Wind Energy Development  LCAs 25. Beaghmore Moors and Marsh;	“The Beaghmore Moors and Marsh form the lower foothills to the Sperrins and are of a smaller scale than the core of the AONB area further to the north. While its character suits a level of smaller scale wind energy development, the AONB designation results in no capacity for turbines greater than ‘medium’ size (<80m), and then only as scattered single or small turbine groups. This landscape should be maintained as a landscape

			with occasional wind turbines.”
258	2.27	<p>Appendix 7: Wind Energy Strategy – Guidance for Wind Energy Development</p> <p>43. Carrickmore Hills Underlying Landscape Capacity</p>	<p>“While mostly outside the AONB apart from the Murrins, the character of the Carrickmore hills is sensitive to wind energy development due its more irregular and craggy landform, lacking the simplicity of landscapes most suited to wind energy development. The hills are also small scale, with landscapes of lowland character. However small-scale windfarm development, comprising a limited number of ‘medium’ or ‘medium/ large’ (&lt;120m) sized turbines can be accommodated in this landscape, making use of variations in topography to partially screen and conceal wind turbines and infrastructure. Smaller wind turbine typologies can be sited with farms and properties. This landscape has capacity to appear as a landscape with wind turbines, however the landscape around the Murrins has a lower capacity.</p>
270	2.5.20 – 2.5.22	<p>Appendix 7: Wind Energy Strategy – Guidance for Wind Energy Development</p> <p>LCAs 24. South Sperrin; 26. Bessy Bell and Gortin Underlying Landscape Capacity</p>	<p>North eastern parts of the South Sperrin LCA contain remote upland areas of forestry partly contained by ridges, and in an area of low visibility from surrounding lowland landscapes. However, this area is also likely to be easily visible from the more upland landscapes north of the Glenelly valley. While characteristics of this landscape suggest suitability for a large-scale windfarm development, the high value of the landscape resulting from the AONB designation renders this landscape highly sensitive to this scale of development. Many of the other upland areas are visible from either within the AONB or from lowland areas to the south retaining these landscapes as wild and remote uplands should be a key landscape objective to ensure the integrity of the AONB designation.</p>



			<p>Therefore, for both LCAs, capacity exists only in the more lowland valley locations. Within Bessy Bell and Gortin there is limited potential for up to 'medium' sized turbines (&lt;80m) and single developments or small groups, however the basin-like form of the landscape means that wind turbines would appear prominently in central locations, particularly when viewed from scenic viewpoints in Gortin glen Forest park.</p> <p>The enclosed character of South Sperrins valleys means that even 'medium' sized turbines can appear very prominent, and there is capacity only for 'small' or 'small/ medium' sized turbines (&lt;50m) in the more populated valleys to the west, with 'medium' (50&lt;80m) turbines only suited to some of the larger scaled lowland areas to the east, in locations where they can be visually contained by surrounding landforms.</p>
277	2.10	<p>Appendix 7: Wind Energy Strategy – Guidance for Wind Energy Development</p> <p>LCA 21. Fairy Water Valley Underlying Landscape Capacity</p>	<p>“Within many of the remaining LCAs of Fermanagh and Omagh there is very limited remaining capacity for small scale wind energy development below 80m. Some parts of these areas have effectively no capacity, for reasons including landscape character, visual sensitivity and/or landscape value. These areas include:</p> <ul style="list-style-type: none"> <li>• The nationally designated Sperrin AONB;...”</li> </ul>
288	5.6	<p>Appendix 7: Wind Energy Strategy – Guidance for Wind Energy Development</p>	<p>Presentation material to be provided with proposals:</p> <p>Map showing site location and location of valued landscape features within the study area on a 1: 50,000 OS base (as before), including all the designations and features listed below (and equivalents in the republic of Ireland). Concentric distance</p>

			bands as above. Viewpoint locations.
298	Table	Landscape Character Area: 24. South Sperrin	Landscape Sensitivity
299	Table	Landscape Character Area: 25. Beaghmore Hills and Marsh  Landscape Character Area: 26. Bessy Bell and Gortin	Landscape Sensitivity
304		TABLE 1:Relationship between Draft Plan Strategy and Existing Area Plans prior to the Adoption of the Local Policies Plan	The Sperrin AONB is shown on the Draft Plan Strategy Proposals Map.

## MAPS

### Proposals Map 1 – North East

• Environmental Designations	Policy NE01
• Sperrins AONB	Policy L01
• Proposed Special Countryside Area (SCA)	Policy L02
• Proposed Area of Significant Archaeological Interest (ASAI)	Policy HE02
• Proposed Area of Constraint on Minerals Development (ACMD)	Policy MIN01

### **Appendix 3**

Table 2: Draft Plan Strategy (Sustainability Appraisal) references to Sperrin AONB

<b>TEXT</b>			
Page	Paragraph	Detail	Comment
12	1.2 & 1.6	The Study Area	Acknowledges that the AONB falls within it.
38	Table 4:MIN01	Summarising effects of Draft Plan Strategy: Reasonable Alternatives identified and considered.	Two options were considered for identifying Areas of Constraint on Mineral Development (ACMDs). Option 2 was more encompassing as it proposed ACMDs would include the AONB and AoHSV. Both options when assessed against the SA Framework achieve similar scores with variety only in the level of protection of landscape and potential long-term viability of employment. The terms of policy MIN01 include exceptions which would minimise any negative effects. Discussions with Members, aware of the implications of this choice, have directed towards Option 2.
42	Table 5:	SA Objectives & Monitoring Indicators	No target set for AONBs
75	8.2 & 8.3	Landscape	The Sperrins form a backdrop to the FODC district in the north east. Visual implication of wind farms and minerals in the Sperrin AONB.
76	9.3	Minerals	Makes reference to ongoing gold exploration at Curraghinalt which lies within the AONB.
90	-	Key Characteristics & Baseline Info. Cumulative number,	The Sperrin AONB is counted within this number.

		distribution and area (ha) of sites designated for their landscape and wildlife importance.	
96	-	Landscape	Identifies the AONB, designated on 11/08/08, lies partially within FODC area.
180	-	Under Section C: National & Sub Regional	Refers to the many Forest Management Plan that cover FODC areas, including the Sperrin AONB.
212 & 213	-	Table 14: Minerals Development: Policy MIN01 - Options	Option 2 chosen. Include AONB.
218	-	Table 17: Landscapes: Policy L02 SCA - Options	Option 2 chosen. Keep existing SCA & identify others.
220	-	Table 19: Renewable Energy: Policy RE01	Mixture of Options 1 & 2.
223	-	Table 21: Public Utilities: Policy PU03	This is a new option.
227	Policy Tracker	-	Reference made to AONB throughout tracker.

## Appendix 4: FODC Draft Planning Policies

\* The Sperrin AONB is highlighted as one of the “Sensitive Locations and Features” in the Glossary to the FODC Draft Plan Strategy.

### FODC Draft Strategic Policy SP01 – Furthering Sustainable Development



#### Sustainable Development

- 5.14.** Sustainable development is the core principle underpinning planning, the purpose of which is to meet the needs of the present without compromising the ability of future generations to meet their own needs.
- 5.15.** The three pillars of sustainable development are social, economic and environmental factors. Furthering sustainable development requires the balancing of these factors when considering development proposals. The Council's approach is that sustainable development should be permitted, having regard to the development plan and all other material considerations, unless the proposed development will cause demonstrable harm to interests of acknowledged importance.
- 5.16.** In considering development proposals, the Council recognises the importance of promoting the three pillars of sustainable development and the need to exercise planning judgement in the relative weight to be given to these factors in decision making.
- 5.17.** A central challenge to furthering sustainable development is mitigating and adapting to climate change, whilst improving air quality. Planning has a key role to play in addressing the causes (through mitigation) of climate change and dealing with its effects (through adaptation). New developments will in themselves result in increased carbon emissions however there are opportunities to minimise this through sustainably located and designed developments which utilise measures such as those for energy efficiency to reduce their impact. Adaptation includes addressing flood risk and the use of Sustainable Urban Drainage Systems. Securing and building upon existing green and blue infrastructure provides an opportunity to both mitigate against and adapt to climate change.

#### Draft Strategic Policy SP01 - Furthering Sustainable Development

The Council will permit development proposals which further sustainable development and promote measures to mitigate and adapt to climate change, and which accord with the Local Development Plan and other material considerations.



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### Draft Policy HE02 - Archaeology

- (a) Archaeological Remains of Regional Importance and their settings  
Development proposals which would adversely affect archaeological remains of regional importance or the integrity of their settings, including those that would merit scheduling and candidate ASAIs, will only be permitted in exceptional circumstances and where the proposal is of overriding importance in Northern Ireland. Such proposals must be accompanied by sufficient and robust information to allow an assessment and evaluation of the extent of the remains and their significance.
- (b) Archaeological Remains of Local Importance and their Setting

Development proposals which would adversely affect archaeological remains of local importance or their settings will only be permitted where it is adequately demonstrated that the need for the proposed development clearly outweighs the value of the remains and/or their settings.

### Policy Clarification

- 5.7.** The preferred treatment of archaeological remains affected by development will be considered in the following order:
- preservation of remains in situ;
  - licensed excavation;
  - recording, examination and archiving.
- 5.8.** Archaeological remains of regional importance include monuments in State Care, Scheduled Monuments and Areas of Significant Archaeological Interest (ASAIs).
- 5.9.** ASAIs are areas of distinctive landscape character and topography and which are likely to contain a number of individual and related sites and monuments. In order to protect and preserve their integrity it is important that they and their settings are preserved in situ.

The areas designated as:

- Areas of Significant Archaeological Interest are shown on the main Proposals Map.

## FODC Draft Policy HE02 – Archaeology (cont'd)

**5.10.** Within ASAs, and candidate ASAs, development proposals will not be permitted unless it is demonstrated that it will not adversely affect the individual character, visual amenity and appearance of the distinctive historic landscapes.

**5.11.** Any Statement of Significance for an ASA will be a determining material consideration when assessing the type and scale of development proposals against the above.

**5.12.** Within the LPP, specific policies will be developed for each of the ASAs within the Council area and which will recognise and respond to their unique characteristics and will provide guidance on the types of development that may be acceptable. This will build on the current Statement of Significance for some of our ASAs. Generally, it is unlikely that ASAs will be able to accommodate large scale development such as quarrying or mining operations, turbines or wind farms, waste disposal, industrial units or major tourism schemes or proposals for the erection of telecommunications masts or pylons and as it is likely that the overall impact of such proposals could be particularly damaging to the distinct appearance, character and historic environment of the area.

**5.13.** The majority of archaeological sites and monuments in Northern Ireland are not scheduled but still provide insight into our past. Archaeological Remains of Local Importance are those which, as well as being archaeologically important in the local context, may also be valued by the community and require safeguarding through the planning process. These can include sites, buildings and structures of Industrial Heritage or Defence Heritage, as well as battle sites.

**5.14.** A number of factors will be used in assessing the local significance of archaeological sites and monuments and may include one or more of the following:

- appearance: distinctive features in the landscape/townscape or local landmarks;
- quality: well-preserved or extensive buried remains;
- folklore/historical interest: association with a person or event in local tradition or legend;
- group value: one of a number of locally important sites; and
- rarity: a locally rare example.

ASAs are also identified as:

- Areas of Constraint on Mineral Development.





# FODC Draft Policy L01 – Development within the Sperrin Area of Outstanding Natural Beauty



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## Draft Policy L01 – Development within the Sperrin Area of Outstanding Natural Beauty

Development proposals that would impact negatively or work to erode the distinctiveness of the Sperrin AONB or its setting, when considered individually or cumulatively alongside existing or approved development, will not be permitted.

All proposals must have regard to siting, massing, shape, design, finishes and landscaping in order that they may be integrated into the landscape. Favourable consideration will be given to the provision of pathways and informal recreational facilities of an appropriate scale and in a suitable location, subject to policy provisions contained elsewhere in the Plans.

### Policy Clarification

**5.50.** The Council recognises that there is a need to protect against any development which could be likely to adversely affect the scenic quality of the AONB and to protect against the piecemeal erosion of the distinctive character of the Sperrin AONB. This requires higher standards of design to ensure new development conserves and enhances the natural beauty of the Sperrin AONB while accommodating the needs of its local communities.

The Sperrin Area of Outstanding Natural Beauty is shown on the main Proposals Map for information.

**5.51.** Therefore, development proposals within the Sperrin AONB, or those which could affect its setting, should be sensitive to the distinctive landscape character of the area and the quality of the landscape, historic environment and wildlife. Furthermore, they should reflect the traditional settlement and siting patterns within the locality, and reflect the design characteristics of local vernacular buildings. Applicants should seek to minimise the visual impact of proposed development on the landscape and provide appropriate mitigation measures including landscape proposals to ensure the landscape and visual integration of the proposed development within the AONB.

**5.52.** Proposals must be able to demonstrate that they have sought to protect, enhance and conserve the distinctive special character of the area and quality of landscape, heritage and wildlife within it.

**5.53.** In circumstances where the existing buildings are considered to be of a poor quality or detrimental to the landscape and distinctiveness of the AONB these will not be accepted as precedent or directly comparable unless exceptionally all circumstances are exactly the same.





## FODC Draft Policy L02 – Special Countryside Areas (SCAs) (Parts of the Sperrin AONB are designated as SCA)

### Draft Policy L02 - Special Countryside Areas

Within Special Countryside Areas, planning permission will not be granted for development proposals unless they are:

- of such national or regional importance, as to outweigh any potential detrimental impact on the unique qualities of the upland, outstanding vistas, or Island environment; or
- for the consolidation of existing development, providing it is in character and scale, does not threaten the visual amenity, nature conservation interest or Historic Environment interests and can be appropriately integrated with the landscape character; or
- minor works or improvements to infrastructure such as walking and cycle-ways, fishing and canoe stands; or
- providing tourism accommodation or facilities through the re-use of existing vernacular buildings whilst being sympathetic to the landscape and nature conservation interests.

### Policy Clarification

- 5.54.** The exceptional landscapes contained within our council area require protection from inappropriate or unnecessary development which could erode their unique quality and amenity value. Curlicagh Mountain, the high summits of the Sperrins, and the islands of Lough Erne, Lough Macnean and Lough Melvin are particular examples of relatively unspoilt, unique areas which should be preserved in order to retain both their special environmental benefits and their aesthetic qualities, and thus development should be limited to those exceptional circumstances listed above.

The areas designated as:

- Special Countryside Areas are shown on the main Proposals Map.





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### Draft Policy NE01 - Nature Conservation

- (a) The Council will not support any development that will adversely affect the integrity of an SAC, cSAC, SPA, pSPA site or a listed or proposed Ramsar site unless it is demonstrated that:
- (i) any adverse effect can be avoided through mitigation; and
  - (ii) no alternative solutions exist; and
  - (iii) it meets a social, environmental or economic benefit of national or regional importance and compensatory measures are provided.
- (b) Any development affecting an ASSI, national nature reserve or nature reserve will only be supported where it would not adversely affect the integrity of the site or the qualities for which it has been designated or where any significant adverse effects on the qualities for which it is designated are clearly outweighed by social, environmental or economic benefits of national or regional importance.
- (c) Any development that will adversely impact on areas or features of local importance for nature conservation including wildlife refuges, local nature reserves and SLNCIs, will only be supported where it is demonstrated how such adverse impact can be avoided or mitigated.

### Policy Clarification

- 5.38.** Where development proposals have the potential to impact upon our natural environment assets, it will be necessary to ensure that the legislation is complied with since these sites are afforded the highest forms of statutory protection. SACs, SPAs and Ramsar sites are designated under European law whilst ASSIs, national nature reserves and nature reserves are designated under UK law. Sites which are being considered for designation as a SPA or SAC are referred to as pSPA (proposed) or cSAC (candidate). ASSIs underpin most areas that are designated as SPAs or SACs.
- 5.39.** In relation to development proposals likely to have a significant effect on a SAC, SPA or Ramsar site (either alone or in combination with effects from other plans or projects) or where reasonable scientific doubt remains, the council will carry out an appropriate assessment of the implications for the site in view of the site's conservation objectives. Only after having ascertained that it will not adversely affect the integrity of the site, can the Council agree to the development and impose appropriate mitigation measures in the form of planning conditions. An adverse effect on the integrity of a SAC, SPA or Ramsar site means an affect which would undermine the achievement of the conservation objectives for that site.

**5.40.** Local Nature Reserves and Wildlife Refuges are designations that the Council can establish in order to enrich the network of important natural heritage assets in the District. Sites of Local Nature Conservation Importance (SLNCIs) are areas rich in biodiversity and contribute to the overall network of natural environment sites in our Council area. SLNCIs will be designated through the Local Policies Plan.

**5.41.** Further information in relation to the designations we have within our district is held by the Department of Agriculture, Environment and Rural Affairs (DAERA).

International and European sites (Ramsar, SCAs, and SPAs); Areas of Special Scientific Interest (ASSIs); and, National Nature Reserves are also identified as:

- Areas of Constraint on Mineral Development.

International and European sites (Ramsar, SCAs, and SPAs); Areas of Special Scientific Interest (ASSIs); and, National Nature Reserves are shown on the main Proposals Map for information.



## Draft Policy PU01 - Telecommunications

Proposals for telecommunications installations, including mast, antennae, dishes and other apparatus, will only be permitted where they comply with all of the following criteria:

- a) The siting and external appearance of all installations, including any access provision, location or landscaping requirements, shall not have an adverse impact on visual amenity or environmentally sensitive features and locations while having regard to the technical and operational constraints placed on operators;
- b) The siting and design of any proposed antennae on a building shall not adversely impact on the external appearance of the building;
- c) There is a need for the development and, if a new mast or base station is proposed, it must be demonstrated that the possibility of erecting antennae on an existing building, mast or other structure (including sharing with an existing operator), has been fully explored and is not feasible or a new mast represents a better environmental solution; and
- d) The development when operational meets the ICNIRP<sup>19</sup> guidelines for public exposure to electromagnetic fields.

Where permission is sought for telecommunication installations at or adjacent to a Sensitive Locations or Features, it must be demonstrated that other alternative options have been investigated and are considered inappropriate.

### Policy Clarification

**6.57.** - In submitting proposals for telecommunications equipment applicants should seek a solution which minimises visual and environmental impact. Individual circumstances will determine how this can best be achieved. For development by Code System Operators, an approach to reaching an appropriate solution in site selection and base station design is to consider the series of options set out below. This is a checklist rather than a rigid sequence of steps and will aid assessment against the above policy:

- Can smaller antennas be installed;
- Can the visual impact of antennas and equipment be integrated through design and siting, for example as part of a building or street furniture;
- Can the visual impact of antennas and equipment be minimised through design and so that they appear to be an integral part of a building, structure, or landscape;

<sup>19</sup>ICNIRP - The 1998 European Commission's Non-Ionising Radiation Principles.



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- Can an existing site, mast and other infrastructure be shared with other operators;
- Installing a new mast, or using a new site/building/structure, only when other options are not possible or it represents a better environmental solution than other options.

In the event where there are no suitable locations, the Council will expect a sympathetic approach including appropriate integration of equipment and structures.

## FODC Draft Policy PU02 - Overhead Electricity Lines

structures.

### Draft Policy PU02 - Overhead Electricity Lines

The Council will permit the development of overhead power lines where it has been demonstrated that the following criteria are met:

- they avoid Sensitive Locations and Features;
- they have no unacceptable impacts on residential amenity or other sensitive receptors;
- within urban areas, they cannot be provided underground or along external surfaces of buildings; and
- they comply with the 1998 International Commission on Non-Ionising Radiation Protection (ICNIRP) guidelines.

### Policy Clarification

**6.58.** Overhead power lines, especially those mounted on pylons, can be obtrusive in the landscape. Every effort should be made to reduce their impact and where sensitive locations and landscapes cannot be avoided visual impact could be alleviated through the use of natural features such as existing vegetation and tree cover. In the case of an open and exposed landscape, which is largely devoid of vegetation, consideration should be given to the structures being setback from the public road network (where feasible) to minimise the visual impact.